

REMARKS

This preliminary amendment is being filed concurrently with a response to a Restriction Requirement having a mail date of November 2, 2004.

Claims 1-11 are pending. Claims 9-11 are withdrawn from consideration as being drawn to nonelected subject matter. Claims 12-25 have been added. Claims 1-25 will therefore be pending upon entry of the proposed amendments.

Claim 1 has been amended as follows. The phrase "pharmaceutical composition of a didemnin compound" has been replaced with the term "kit" as suggested by the Examiner in the Restriction Requirement of November 2, 2004. Applicants have also deleted the terms "firstly" and "secondly."

Claims 2-8 have been amended as follows.

The phrase "pharmaceutical composition" has been replaced with the term "kit" in each of claims 2-8 as suggested by the Examiner in the Restriction Requirement of November 2, 2004.

The phrase "intended for reconstitution for administration to patients as an antitumor treatment" in claim 2 has been replaced with the phrase "wherein the kit comprises an amount of the lyophilized didemnin preparation that is suitable for the treatment of a tumor in a patient."

Applicants have deleted the term "compound" in claim 4.

Applicants have replaced the term "includes" in claim 6 with the phrase "further comprises."

Claim 3 is now singularly dependent on claim 1 instead of multiply dependent on claims 1 and 2. Claim 8 is now singularly dependent on claim 1 instead of multiply dependent on claims 1-7.

Support for these amendments can be found throughout the Specification, e.g., at page 2, line 20 through page 3, line 2; page 3, lines 6-7; and page 4, lines 5-7.

Support for new claims 12-25 can be found throughout the Specification, e.g., at page 2, lines 11-14; page 3, lines 10-12 and 14; page 3, line 27 through page 4, line 2; page 4, lines 5-7, 13-15, and 22-25; page 5, lines 1-2; page 6, and lines 8-11; and in claims 1-8 as originally filed.

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No new matter is introduced by these amendments.

Applicants respectfully request that all claims be examined and allowed.

Please apply any charges to to Deposit Account No. 06-1050, referencing Attorney
Docket No.: 14620-012US1.

Respectfully submitted,

Date: April 1, 2005

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